

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**DANIEL CARMONA MARTINEZ,**

Petitioner,

v.

**MARITZA S. PEREZ SERRATOS,**

Respondent.

Case No. 16-cv-06640-YGR

**ORDER DENYING TEMPORARY  
RESTRAINING ORDER WITHOUT PREJUDICE**

Re: Dkt. No. 2

For the reasons stated at the hearing, and based upon the record currently before the Court, the Motion of Petitioner Daniel Carmona Martinez for a Temporary Restraining Order and Scheduling of an Expedited Hearing under the Hague Convention is **DENIED WITHOUT PREJUDICE**. (Dkt. No. 2.) Petitioner has not demonstrated a likelihood of success on the merits given the showing by Respondent that the petition is untimely, that the children are well-settled, and that they would face a grave risk of harm if returned to Mexico. Further, Petitioner has not shown he will suffer irreparable injury in the absence of immediate equitable relief since the issue of removal of the children is presently before the Santa Clara Superior Court in San Jose in the pending domestic violence proceedings, and that court has concurrent jurisdiction over any Hague Convention questions regarding removal or return of the children to Mexico for determination of the custody issues by a Mexican court.

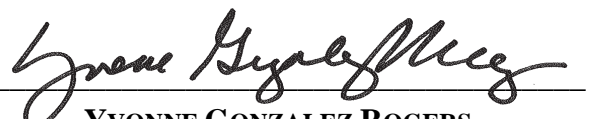
Should the state court decline to decide the Hague Convention issues before making a custody determination, Petitioner may seek relief from this Court.

Accordingly, the Motion is **DENIED**.

This terminates Docket No. 2.

**IT IS SO ORDERED.**

Dated: November 21, 2016

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT**